

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1464

Short Title: Repeal Sunset on UNC Design Contracts/Report. (Public)

Sponsors: Representatives McMahan; Culp, Daughtridge, Daughtry, Dockham, Gulley, Holmes, Lewis, Rayfield, and Vinson.

Referred to: Education.

April 21, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR
3 CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN
4 PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE
5 REPORTS ON ACTIONS TAKEN UNDER THAT LAW.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 14(a) of S.L. 2001-496 reads as rewritten:

8 "**SECTION 14.(a)** Sections 8(a) through 8(e) of this act become effective July 1,
9 2001. Section 11.1 of this act becomes effective March 1, 2002. The remaining
10 sections of Parts I and II of this act become effective January 1, 2002, and apply to
11 construction projects for which bids or proposals are solicited on or after that date. The
12 remainder of this act is effective when it becomes law. ~~Sections 8(a) through 8(e) of this~~
13 ~~act expire December 31, 2006."~~

14 **SECTION 2.** G.S. 116-31.11 reads as rewritten:

15 "**§ 116-31.11. Powers of Board regarding certain fee negotiations, contracts, and**
16 **capital improvements.**

17 (a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Board shall, with
18 respect to the design, construction, or renovation of buildings, utilities, and other
19 property developments of The University of North Carolina requiring the estimated
20 expenditure of public money of two million dollars (\$2,000,000) or less:

- 21 (1) Conduct the fee negotiations for all design contracts and supervise the
22 letting of all construction and design contracts.
23 (2) Develop procedures governing the responsibilities of The University
24 of North Carolina and its affiliated and constituent institutions to
25 perform the duties of the Department of Administration and the
26 Director or Office of State Construction under G.S. 133-1.1(d) and
27 G.S. 143-341(3).

1 (3) Develop procedures and reasonable limitations governing the use of
2 open-end design agreements, subject to G.S. 143-64.34 and the
3 approval of the State Building Commission.

4 (b) The Board may delegate its authority under subsection (a) of this section to a
5 constituent or affiliated institution if the institution is qualified under guidelines adopted
6 by the Board and approved by the State Building Commission and the Director of the
7 Budget.

8 (c) The University shall use the standard contracts for design and construction
9 currently in use for State capital improvement projects by the Office of State
10 Construction of the Department of Administration.

11 (d) A contract may not be divided for the purpose of evading the monetary limit
12 under this section.

13 (e) Notwithstanding any other provision of this Chapter, the Department of
14 Administration shall not be the awarding authority for contracts awarded pursuant to
15 this section.

16 (f) The Board of Governors shall annually report to the State Building
17 Commission the following:

18 (1) A list of projects governed by this section.

19 (2) The estimated cost of each project along with the actual cost.

20 (3) The name of each person awarded a contract under this section."

21 **SECTION 3.** This act is effective when it becomes law.